

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

FILED

MAR 19 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.**

RONNIE MANNS
Plaintiff

vs

Case No: 07 C 50244

**ILLINOIS DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES
LUTHERAN SOCIAL SERVICES**
Defendants

**PLAINTIFF'S REPLY MEMORANDUM IN SUPPORT OF REQUEST FOR DENIAL OF
DEFENDANT LUTHERAN SOCIAL SERVICES' MOTION TO DISMISS**

NOW COMES the Plaintiff, Ronnie Manns and moves that the Defendant's Motion to Dismiss be denied. In support of this motion Plaintiff states as follows:

Statement of Facts

According to Defendant's Reply Memorandum of Law in Support of its motion to dismiss Plaintiff's Complaint filed 03/07/08 page 4 of 35, Defendant writes;

"Thus, constitutional claims that are "inextricably intertwined" with the state court's judgment negate federal district court jurisdiction because they would call for review of the state court's decision."

According to Defendant's Reply Memorandum of Law in Support of its Motion to Dismiss filed on 03/07/08 page 5 of 35, Defendant writes;

"Section 11 of the Illinois Mental health and development Disabilities Confidentiality Act (Act), 740 ILCS 110/1 et seq., provides immunity to agencies, such as LSS, in connection with certain good-faith disclosures. 740 ILCS 110/11. Section 11 further provides a presumption that social workers act in good faith in making such disclosures."

Argument

The state court's judgment to award temporary custody placing Katisha M in the guardianship of the DCFS (See page 12 of Plaintiff's Complaint, 96 JA 285, dated March 29, 2007 is not in issue here. The petition to reinstate wardship (See page 11 of Plaintiff's Complaint 96 JA 285 dated 4/9/2007 is not in issues here. The court order, *Nunc pro tunc*, granting DCFS the discretion to place Katisha M with a responsible relative or traditional foster care (See page 21 of Plaintiff's Complaint, 96 JA 285 dated 10/1/2007 is not in issue here. There are no state court orders or judicial proceedings that are in issue and therefore none which Plaintiff is seeking federal court to litigate or review.

Plaintiff's dissatisfaction has nothing to do with state court and administrative proceeding and everything to do with DCFS and Lutheran Social Services actions, inactions and violation of Katisha M and my basic civil rights.

After reading "Section 11 of the Illinois Mental Health and Development Disabilities Confidentiality Act (Act), 740 ILCS 110/1, I have seen no mention of "granted immunity from civil liability". MOREOVER, 740 ILCS 110/15 states that "Any person aggrieved by a violation of this Act may sue for damages, an injunction, or other appropriate relief. Reasonable attorney's fees and costs may be awarded to the successful plaintiff in any action under this Act."

Katisha M may be just another name on some papers for many but she is more than that to me. Katisha M is my niece. Katisha M is my blood. Katisha M is my family and since March 1997 it has been my pleasure to assist in and watch her and her 3 other sibling grow. All that was asked is the basic civil rights of receiving fair treatment and nothing that happened after the expungement was fair for either of us. Katisha M did what many teenagers do "rebelled" and when she decided to stand up and take complete responsibility for her actions, we were punished by the actions and inactions of an agency charged with the care and welfare of Illinois Children and Families.

Conclusion

WHEREFORE, for the foregoing reasons and for the reasons stated in the Plaintiff's Memorandum in Support of Denial of Defendants Motion to Dismiss, the Plaintiff respectfully requests that this Honorable Court grant his motion to deny Defendant's motion to dismiss.

Respectfully submitted

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CERTIFICATION OF SERVICE

I hereby certify that on March 18, 2008 I have sent by U.S. Mail, postage prepaid, the document to the following participants:

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